

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 21, 1992

ALL-COUNTY LETTER NO. 92-50

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by SDSS

SUBJECT: CHILD WELFARE SERVICES (CWS) POLICY QUESTIONS AND  
ANSWERS REGARDING THE FAMILY MAINTENANCE (FM) PROGRAM

As a result of county program reviews currently being conducted by the CWS Operations Bureau, policy questions have been raised regarding the FM Program. Because the State Department of Social Services (SDSS) believes that other counties may have similar questions, the purpose of this All-County Letter (ACL) is to share with all counties the questions that have been raised and the SDSS responses to those questions.

1.Q. Are FM services for court dependents limited to 12 months per dependency, or are they limited to a cumulative maximum of 12 months during the lifetime of the child?

A. Court-ordered FM services may be provided for a period of time up to a maximum of 12 months per dependency. "Dependency," for purposes of this ACL, is defined as the time period from the issuance of the initial court order adjudging a minor to be a dependent of the court and ordering FM services until that court order is rescinded and terminated. If the court had initially ordered family reunification services, but later modified the order to provide FM services, the 12-month time period would start from the date of the modified order. Any subsequent modified petitions which fall within that time frame do not affect the initial date of dependency. This policy interpretation is consistent with the Department's family preservation goals to permit additional FM services if a subsequent dependency action is sustained and a child can remain safely at home with the provision of services.

2.Q. What is the maximum time limit for voluntary FM services?

A. As with court-ordered FM services, the maximum time limit is 12 months. Since a dependency is not established in a

voluntary case, the maximum 12-month time limit for voluntary FM is based on a standard comparable to that applied in dependency cases.

The 12-month period for the provision of voluntary FM services begins with the original incident that necessitated FM services and continues for up to a maximum of 12 consecutive months. The family would be eligible for an additional 12 months of voluntary FM if at some future time a new incident occurred that necessitated CWS intervention and the family were willing to participate in FM services.

If during the provision of voluntary FM services new allegations or incidents occur, the counting of the 12-month time limit would not start over again, but would continue from the beginning of the original incident.

If families continue over time to exhibit problems that potentially endanger the child after 12 cumulative months of voluntary FM services have been provided, the county should consider filing a petition to have the minor declared a dependent.

- 3.Q. The Manual of Policies and Procedures (MPP) Section 30-276.141(b) requires the FM service plan to include "service-funded activities." MPP Section 30-376.141(b) requires the FR service plan to include "service activities." Does this mean that only service-funded activities are to be included in the FM service plan, whereas all service activities are to be included in the FR service plan?
- A. No. All service activities that are intended to serve the child and family should be included in both the FM and the FR service plans. When MPP Section 30-276.141(b) is read with Section 30-276.141(c), it is clear that the intent of the regulations is to include all service activities in the service plan.
- 4.Q. If it becomes necessary to remove a child from his/her home and the transfer from FM cannot be accomplished within the 12-month time limit, may the case remain in the FM program beyond the 12-month limit?
- A. In no event shall federal and/or state funds be appropriated for providing FM services beyond the 12-month time limit. County funds are to be used for the amount of time the case is in the FM program beyond the 12-month time limit.

5.Q. Are non-custodial parents eligible to receive FM services?

- A. Yes. Welfare and Institutions Code (WIC) Section 16506(c) specifies that FM services shall be available to families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court.

However, the maximum amount of time that the county may claim reimbursement is 12 consecutive months. For example, if the custodial parent had already received six months of FM services when the non-custodial parent begins the care of the child, the county would only be eligible for reimbursement for six additional months of FM services to the non-custodial parent.

6.Q. For FM cases, if a family received voluntary FM services and continued with court-ordered FM services, is the time in voluntary FM included in the 12-month maximum time limit?

- A. Yes. WIC Section 16506 limits FM services to six months with one six-month extension. The maximum amount of time the county may claim reimbursement is 12 consecutive months.

7.Q. In the FM program, what are the requirements regarding visitation between the social worker and the child's parent(s)?

- A. MPP Section 30-252.2 specifies that for "parent(s)/guardian(s) receiving family maintenance services," the social worker shall have face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter. (Section 30-252.21 allows the social worker to have less frequent face-to-face contact with the parents, up to a minimum of once a month, if the criteria in 30-252.211 through .215 are met.)

8.Q. In the FM program must both parents be visited by the social worker?

MPP Section 30-252.2 specifies that the parents who are receiving family maintenance services must be visited. If the service plan specifies that only one parent is to receive FM services, then the visitation requirements would only apply to the parent named in the service plan. If both parents are part of the plan, both parents must be visited.

The SDSS in cooperation with counties is currently developing regulations to implement Senate Bill (SB) 1125 (Chapter 1203). Senate Bill 1125 became operative on January 1, 1992 and requires the SDSS to enact emergency regulations. It is anticipated that the emergency regulations will be filed with the Office of Administrative Law on June 1, 1992. Senate Bill 1125 removes the current "program" focus and instead, focuses on a continuum of services guided by a written case plan. Once the regulations are filed, the Department will issue an ACL explaining any changes in current policy that result from the implementation of SB 1125. Until the regulations are filed, counties are to continue operating their CWS programs under the current Division 30 regulations.

If there are any questions regarding the questions and answers covered in this ACL or questions surrounding county CWS program reviews, please contact your CWS Operations consultant at (916) 657-2189.



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cc: CWDA